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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION **\*E-FILED - 10/11/07\***

11 JOEL BENOLIEL, GREGG R. DAUGHERTY,  
BRUCE E. HOSFORD, and DONALD S.  
12 JEFFERSON,

13 Plaintiffs/Petitioners,

14 v.

15 BLACKHAWK PARENT LLC, a Delaware limited  
liability company, and EOP OPERATING  
16 LIMITED PARTNERSHIP, a Delaware limited  
partnership,

17 Defendants/Respondents.  
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Case No. C 07-03001-RMW

**JOINT STIPULATION AND  
[PROPOSED] ORDER  
CONTINUING THE HEARING  
ON THE FIRST AMENDED  
PETITION TO COMPEL  
ARBITRATION AND THE CASE  
MANAGEMENT CONFERENCE**

**Prior Hearing Date:** October 19, 2007

**New Hearing Date:** November 9, 2007

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District  
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,  
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their  
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning  
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")  
6 scheduled to be heard October 19, 2007 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in  
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on  
11 August 17, 2007;

12 WHEREAS, a hearing on the Amended Petition was originally scheduled for  
13 August 31, 2007 at 9:00 a.m.;

14 WHEREAS, on August 27, 2007, the parties submitted a joint stipulation and  
15 proposed order, continuing the August 31, 2007 hearing to September 28, 2007;

16 WHEREAS, on August 28, 2007, the Court entered the proposed order continuing  
17 the August 31, 2007 hearing to September 28, 2007;

18 WHEREAS, a Case Management Conference was also scheduled to occur on  
19 September 28, 2007;

20 WHEREAS, on September 18, 2007, the Court *sua sponte* ordered that the hearing  
21 on the Amended Petition and the Case Management Conference be continued to October 19, 2007;

22 WHEREAS, the parties are in continued discussions directed toward reaching a  
23 negotiated resolution of the issues raised by the Amended Petition;

24 WHEREAS, the parties agree to continue the Hearing and the Case Management  
25 Conference until November 9, 2007; and

26 WHEREAS, the parties agree that this Stipulation does not waive any of the rights  
27 or defenses available to either party, and that each party reserves its rights to assert any and all  
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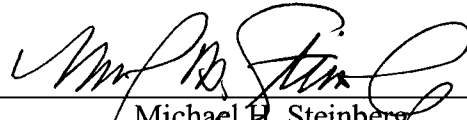
1 rights and defenses in the future and to provide further papers updating the Court and providing  
2 any further developments;

3 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

4 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and  
5 7-12 of the Federal District Court for the Northern District of California, that the Hearing and the  
6 Case Management Conference be continued to 9 a.m. on Friday, November 9, 2007.

7 Dated: October 9, 2007

SULLIVAN & CROMWELL LLP

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10 Michael H. Steinberg  
11 Attorneys for Plaintiffs/Petitioners  
12 JOEL BENOLIEL, et al.

13 Dated: October 9, 2007

SIMPSON THACHER & BARTLETT LLP

14  
15 /s/ (with express permission)

16 Paul C. Gluckow  
17 Attorneys for Defendants/Respondents  
18 BLACKHAWK PARENT LLC and EOP  
19 OPERATING LIMITED PARTNERSHIP

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 Dated: 10/11, 2007

22 By   
23 The Honorable Ronald M. Whyte  
24 United States District Judge  
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